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FAX (202) 383-6610

February 24, 1999

John Doll
Crystal Mall 1
Room 12A05
U.S. Patent & Trademark Office

HAND DELIVERED

Re: U.S. Patent Application No. 09/206,041
Filed: December 4, 1998
Applicants: Joseph R. BYRUM *et al.*
For: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Atty. Docket: 04983.0151/38-21(15446)B

Dear John:

Enclosed is a courtesy copy of the Information Disclosure Statement and PTO Form 1449 (3 pages) with 8 references filed today in the above-captioned application.

Sincerely,


Timothy W. Riffe (Reg. No. 43,881)

Enclosures

cc: David R. Marsh (w/o enclosures)

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February 24, 1999

COPY

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Non-Provisional Utility Patent Application
Appl. No. 09/206,041; Filed: December 4, 1998
For: **Nucleic Acid Molecules and Other Molecules
Associated with Plants**
Inventors: Joseph R. Byrum *et al.*
Our Ref: 04983.0151.US01/38-21(15446)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Information Disclosure Statement;
2. PTO Form 1449 (3 pages) with 8 references; and
3. Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Timothy W. Riffe (Reg. No. P43,881)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Joseph R. Byrum, *et al.*

Appl. No. 09/206,041

Filed: December 4, 1998

For: **Nucleic Acid Molecules And Other
Molecules Associated With Plants**

Art Unit: 2833

Examiner: To be assigned

Atty. Docket: 04983.0151.US01/
38-21(15446)B

COPY

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each listed document is provided.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449 and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Timothy W. Riffe (Reg. No. P43,881)

Date: February 24, 1999

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FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>		ATTY. DOCKET NO. 04983.0151.US01/38-21(15446)B		APPLICATION NO.: 09/206,041	
		APPLICANT: Joseph R. Byrum, et al.		COPY	
		FILING DATE: December 4, 1998		GROUP: 2833	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1						
	AB1						
	AC1						
	AD1						
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>1</u>	Adams <i>et al.</i> , "Complementary DNA Sequencing: Expressed Sequence Tags and Human Genome Project," <i>Science</i> , 252:1651-1656 (1991).
AS	<u>1</u>	Ebert <i>et al.</i> , "Identification of an essential upstream element in the nopaline synthase promoter by stable and transient assays," <i>Proc. Natl. Acad. Sci. (USA)</i> 84:5745-5749 (1987).
AT	<u>1</u>	Efstratiadis <i>et al.</i> , "Enzymatic In Vitro Synthesis of Globin Genes," <i>Cell</i> 7:279-288 (1976).

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>		ATTY. DOCKET NO. 04983.0151.US01/38-21(15446)B	APPLICATION NO.: 09/206,041	
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2						
	AB2						
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	AD2						
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	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	Ko, "An 'equalized cDNA library' by the reassociation of short double-stranded cDNAs," <i>Nucleic Acids Res.</i> 18:5705-5711 (1990).
AS	2	Kurata et al., "A 300 kilobase interval genetic map of rice including 883 expressed sequences," <i>Nature Genetics</i> , 8:365-372 (1994).
AT	2	McCombie et al., "Caenorhabditis elegans expressed sequence tags identify gene families and potential disease gene homologues," <i>Nature Genetics</i> , 1:124-131 (1992).

EXAMINER	DATE CONSIDERED

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			APPLICANT: Joseph R. Byrum, et al.	COPY
			FILING DATE: December 4, 1998	GROUP: 2833

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3						
	AB3						
	AC3						
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	AE3						
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

FOREIGN PATENT DOCUMENTS

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	AL3						Yes No
	AM3						Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>3</u>	Okubo et al., "Large scale cDNA sequencing for analysis of quantitative and qualitative aspects of gene expression," <i>Nature Genetics</i> , 2:173-179 (1992).
AS	<u>3</u>	Yomo et al., "Histochemical Studies on Protease Formation in the Cotyledons of Germinating Bean Seeds," <i>Planta</i> 112:35-43 (1973).
AT	<u>3</u>	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	